IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.519 OF 2005

M/s.Vishvakarma Builders &
Contractors & Anr. ...Appellants

Vs.

Salvador Fernandes & Ors. ...Respondents

Mr.S.K.Mali for the Appellants
Ms Tatke for the Respondents.

CORAM: A.S.OKA, J.
DATED: APRIL 26,2005.

P.C.:

1. Heard Advocates for the parties. The challenge in this Appeal is to the order dated 11th April 2005 by which the learned Trial Judge has granted ad-interim injunction in favour of the original Plaintiff.

2. After having heard the Advocates appearing for the parties and after perusing the impugned Judgment and Order and other documents on record, I find that a case was made out by the original Plaintiffs for grant of ad-interim injunction. Considering the fact that the case of the original Plaintiffs is based on violation of provisions of the Maharashtra Ownership of Flats (Regulation of the Promotion of Construction, Sale, Management & Transfer) Act,1963, the learned Trial Judge was justified in granting ad-interim injunction.

3. The Notice of Motion is pending for final hearing. The case made out by the original Plaintiff will have to be tested on the Affidavits filed by the parties and the material placed on record. No case is made out for interference. Appeal from Order is dismissed with no order as to costs.

4. It is made clear that the Notice of Motion will be decided on its own merits without being influenced by the tentative findings recorded in the impugned order.

5. Liberty to apply for expeditious hearing of Notice of Motion.

Judge.